

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Joseph Giardala-16A3668, Clinton Correctional  
Facility, P.O. Box 2001, Dannemora, NY 12929  
(In the space above enter the full name(s) of the petitioner(s).)

1:19 Civ. 11917 (PGG) (DCF)

-against-

E. Bell, Clinton Correctional Facility  
P.O. Box 2000, 1156 Route 374  
Dannemora, New York 12929-2000  
(518) 492-2511 www.doccs.ny.gov  
(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

APPLICATION FOR THE COURT  
TO REQUEST COUNSEL  
PURSUANT TO 18 U.S.C. § 3006A(g)

I, Joseph Giardala, (print or type your name) am a party in this case and am unable to afford the services of an attorney. I hereby request the Court to grant my request for counsel to represent me in this proceedings.

1. In support of my application, I provide the following information:

A. Explain why you feel you need a lawyer in this case. (Use additional paper if necessary)

Even before this Covid outbreak here services have  
not been provided on days when they should be available  
and needed. Reduced before this turn of events. (Traverse)

B. Explain what steps you have taken to find an attorney and with what results. (Use additional paper if necessary)

I've written to attorneys in Florida, New York, Alabama,  
and called (877) 422-1011-Northern District- for help as  
I wasn't able even to make a copy of a letter to Judge Freeman.

C. If you need a lawyer who speaks in a language other than English, state what language you speak:

I speak English

2. In further support of my application, I declare that (check appropriate box):



I have previously filed a Request to Proceed *In Forma Pauperis* application in this proceeding, and it is a true and correct representation of my current financial status.



I have not previously filed a Request to Proceed *In Forma Pauperis* in this proceeding, and now attach an original Request to Proceed *In Forma Pauperis* application detailing my financial status.



I have previously filed a Request to Proceed *In Forma Pauperis* application in this proceeding, however, my financial status has changed. I have attached another Request to Proceed *In Forma Pauperis* application showing my current financial status.

3. I understand that if a lawyer volunteers to represent me and that lawyer learns that I can afford to pay for a lawyer, the lawyer may give this information to the Court.

4. I understand that if my answers on this application are false, my case may be dismissed.

5. I declare under penalty of perjury that the foregoing is true and correct.

Dated:

October 23<sup>rd</sup>, 2020

  
Signature

Petitioner has repeatedly requested that the Court appoint him counsel in this habeas proceeding. (See Dkts. 1, 3, 5, 7, 19, 20.) Petitioner, however, has only advanced one habeas claim (an alleged speedy-trial violation), and he has been able to set out, in clear terms, the basis of that claim. Accordingly, at this time, Petitioner's application for counsel is denied, but, if, upon review of the record, it appears to this Court that Petitioner's claim will turn on any complex issues of fact or law, this Court may later revisit its ruling, without need for a further application.

Respondent's opposition to the Petition is currently due 12/3/2020. If, upon receipt of that opposition, Petitioner determines that, because of prison conditions (such as limited access to the law library), he needs more than 30 days to file a reply, he may request an extension of time.

In light of this ruling, the Clerk of Court is directed to close Dkt. 20 on the Docket of this action. The Clerk of Court is also directed to mail a copy of this Order to Petitioner.

Dated: 11/2/2020

SO ORDERED

  
DEBRA FREEMAN  
United States Magistrate Judge